

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Hope Leiws, individually and on behalf of the Estate of Cyrus Lewis

(b) County of Residence of First Listed Plaintiff Northumberland
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Timothy A. Bowers, PA 77980
PO Box 88
Sunbury, PA 17801 570-275-1110

DEFENDANTS

County of Northumberland, Roy Johnson, Brian Wheary, Jason Greek,
Jen (Last Name Unknown), Northumberland County Board of Prison
County of Residence of First Listed Defendant Northumberland

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff, and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C.A. 1983

VI. CAUSE OF ACTION

Brief description of cause:
Violation of 14th Amendment Due Process Rights

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE
November 5, 2014

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HOPE LEWIS individually and on behalf	:	NO:
of the estate of CYRUS LEWIS,	:	
PLAINTIFF,	:	(Complaint filed November 5, 2014)
	:	
v.	:	
	:	
COUNTY OF NORTHUMBERLAND,	:	
,ROY JOHNSON,	:	
BRIAN WHEARY,	:	
JASON GREEK,	:	
JEN (LAST NAME UNKNOWN),	:	
NORTHUMBERLAND COUNTY	:	
BOARD OF PRISON INSPECTORS,	:	
DEFENDANTS.	:	JURY TRIAL DEMANDED

COMPLAINT

COMES NOW Plaintiff Hope Lewis, by and through her counsel, Timothy A. Bowers, JD and makes the following Complaint:

COUNT I - SECTION 1983-VIOLATION OF FOURTEENTH AMENDMENT
ALL DEFENDANTS

1. Plaintiff Hope Lewis ("Plaintiff") is an adult individual residing at ADDRESS, Northumberland County, Pennsylvania. Plaintiff sues in her individual capacity and as Administrator of the Estate of Cyrus Lewis, deceased ("Cyrus Lewis").

2. Defendant County of Northumberland ("County") is a fifth class county organized under the laws of the Commonwealth of Pennsylvania and having its primary offices at 399 South Fifth Street, Sunbury, Northumberland County, Pennsylvania, 17801.

3. Defendant Northumberland County Board of Prison Inspectors ("Prison Board") is an entity organized under the laws of the Commonwealth of Pennsylvania and having its

primary business address at 399 South Fifth Street, Sunbury, Northumberland County, Pennsylvania, 17801.

4. Defendant Roy Johnson ("Johnson") is an adult individual who, at all relevant times herein, was appointed by the Prison Board as Warden of Northumberland County Prison ("NCP") having a business address of 39 North Second Street, Sunbury, Northumberland County, Pennsylvania, 17801.

5. Defendant Brian Wheary ("Wheary") is an adult individual who, at all relevant times herein was employed by the Prison Board as Commander of NCP having a business address of 39 North Second Street, Sunbury, Northumberland County, Pennsylvania, 17801.

6. Defendant Jason Greek ("Greek") is an adult individual who, at all relevant times herein was employed by the Prison Board as a Sergeant at NCP having a business address of 39 North Second Street, Sunbury, Northumberland County, Pennsylvania, 17801.

7. Defendant Jen (Last Name Unknown) ("CO Jen") is an adult individual who, at all relevant times herein was employed by the Prison Board as a Corrections Officer at NCP having a business address of 39 North Second Street, Sunbury, Northumberland County, Pennsylvania, 17801. The last name of this defendant is unknown as NCP Corrections Officers do not wear name tags or other identification.

8. The Court has jurisdiction over the claims asserted herein pursuant 28 U.S.C.A. 1331, 28 U.S.C.A. 1332, and 28 U.S.C.A. 1367.

9. The Prison Board, together with the officers appointed and employed by it, is charged by Pennsylvania Law to "provided for the safekeeping, discipline and employment of inmates and the government and management" of NCP. 61 Pa.C.S.A. 1731 (a)(3).

10. The Prison Board "shall make such rules and regulations for the government and management of the county correctional institution and the safekeeping, discipline and employment of the inmates, as may be deemed necessary." 61 Pa.C.S.A. 1732 (b)(1).

11. The County, the Prison Board, the members and officers of the Prison Board act under color of state law in operating NCP.

12. On June 10, 2014 Cyrus Lewis was arraigned before the Hon. John Gembic and committed to NCP in lieu of \$30,000.00 combined bail on various charges.

13. At the time of commitment, Cyrus Lewis was withdrawing from narcotics.

14. NCP officers and staff new that Cyrus Lewis was withdrawing from narcotics.

15. NCP staff put Lewis on a 10 day hold which requires periodic checks by NCP staff.

16. Between June 10, 2014 and June 15, 2014, Cyrus Lewis expressed suicidal ideations to other inmates and to NCP staff.

17. On June 15, 2014, another inmate told CO Jen that Cyrus Lewis was talking about taking his own life.

18. NCP has procedures for suicide watch including, but not limited to constant video surveillance, 15 minute checks by NCP staff, 30 minute checks by NCP staff, and provision of security smocks and security blankets rather than normal, institutional clothing, bedding and mattresses and placement in a suicide cell.

19. At no point did NCP staff put Cyrus Lewis on suicide watch or in a suicide cell.

20. At no point did NCP staff put Cyrus Lewis on constant video surveillance.

21. At no point did NCP staff conduct 15 minute checks of Cyrus Lewis.

22. At no point did NCP staff conduct 30 minute checks of Cyrus Lewis.
23. At no point did NCP staff provide Cyrus Lewis with security smocks and security blankets rather than normal, institutional clothing, bedding and mattresses.
24. On June 15, 2014, Cyrus Lewis was in Cell No. 5 which is not a suicide watch cell.
25. On June 15, 2014, Cyrus Lewis had access to normal, institutional bedding.
26. On that evening, Cyrus Lewis placed a normal, institutional blanket over the window of his cell blocking view of the interior of the cell.
27. Approximately one hour after the blanket was put up, CO Jen asked an inmate to check on Cyrus Lewis.
28. During the time period of approximately one hour, no NCP staff checked on Cyrus Lewis.
29. During the prior three weeks, CO Jen had asked the other inmate to check on watched inmates approximately 4 to five times.
30. When the other inmate went to check on Cyrus Lewis, the other inmate moved the blanket aside to look into the cell through the window in the door.
31. The other inmate saw that Cyrus Lewis had hanged himself with a normal, institutional bed sheet.
32. The other inmate started screaming that Cyrus Lewis was hanging.
33. CO Jen looked dumbfounded.
34. CO Centerfit responded.
35. The other inmate asked CO Centerfit to open the door.

36. CO Centerfit hesitated and said that he was not allowed to open the door.
37. The other inmate yelled at CO Centerfit to open the door.
38. As Co Centerfit began to open the door, seven other corrections officers responded.
39. The corrections officers cut Cyrus Lewis down and attempted to administer CPR.
40. During this time, CO Jen looked at the other inmate and asked him, "What do I do?"
41. Cyrus Lewis was taken to the emergency room at Sunbury Community Hospital where he was pronounced dead on arrival.
42. CO Jen failed to place Cyrus Lewis on suicide watch despite her knowledge that Cyrus Lewis had expressed suicidal ideations.
43. Greek failed to place Cyrus Lewis on suicide watch despite his knowledge that Cyrus Lewis had expressed suicidal ideations.
44. Defendants have failed to properly train NCP staff in identifying and monitoring suicidal inmates.
45. Defendants have failed to properly supervise NCP staff in identifying and monitoring suicidal inmates.
46. Defendants have a custom, practice or procedure of ordering inmates, rather than staff, to perform checks on prisoners.
47. Defendants have a custom, practice or procedure of ignoring suicidal inmates and failing to place suicidal inmates on suicide watch.

48. Defendants were deliberately indifferent to the suicidal state and ideations of Cyrus Lewis.

49. Defendants' deliberate indifference to the rights of inmates led to the suicide death of inmate Andrew Beers in August 2013.

50. Despite the death of Andrew Beers, defendants have failed and refused to enact and follow sufficient procedures and policies to protect the lives of inmates.

51. Defendants failed to safeguard the life of Cyrus Lewis in violation of this rights under the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States of America.

WHEREFORE, Plaintiff Hope Lewis, individually and on behalf of the Estate of Cyrus Lewis, respectfully requests that the Honorable Court enter a judgment awarding compensatory damages, punitive damages, costs, interest, counsel fees and injunctive relief sufficient to prevent a similar future occurrence.

COUNT II - WRONGFUL DEATH
INDIVIDUAL DEFENDANTS

52. Paragraphs 1 through 51 of this Complaint are hereby restated and reincorporated by reference as though fully set forth.

53. Defendants owed Lewis a duty of care to take reasonable action to prevent Lewis's suicide.

54. Defendants breached their duty of care by failing to take reasonable action to prevent Lewis's suicide.

55. As a direct and proximate result of Defendants' breach of their duty of care, Hope Lewis has suffered loss of expected economic benefit, hospital, medical and funeral expenses and expenses of administration of the estate.

56. Defendants knew or should have known that the suicide of Cyrus Lewis was substantially certain to occur as a direct and proximate result of their duty of care.

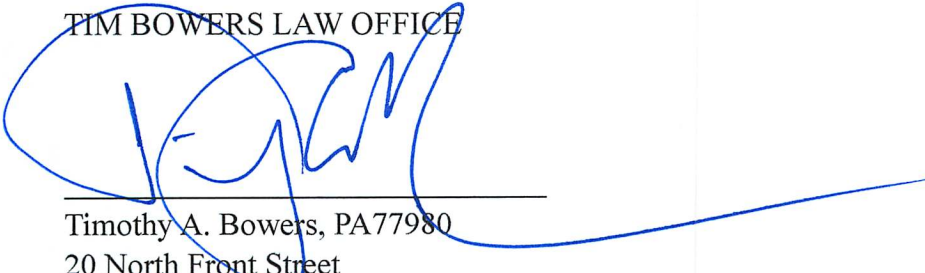
57. Defendants' breach of their duty of care constitutes willful misconduct.

WHEREFORE, Plaintiff Hope Lewis, individually and on behalf of the Estate of Cyrus Lewis, respectfully requests that the Honorable Court enter a judgment awarding compensatory damages, costs and interest.

Dated: November 5, 2014

Respectfully submitted,

TIM BOWERS LAW OFFICE



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